

Exhibit 1

Stanley Chao
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San Jose, California 95113
Telephone: (408)297-2297
Facsimile: (408)297-6956

Attorney for Plaintiffs
YANG, Kuan How
YANG, Jui Ning

ORIGINAL
FILED

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RICHARD W. WIEKING
CLERK
U.S. DISTRICT COURT
NO. DIST. OF CA S.J.

E-FILING

ADR

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Kuan How Yang
Jui Ning Yang

Plaintiffs,

v.

Michael Chertoff, Secretary of the Department
of Homeland Security;
Emilio T. Gonzalez, Director of U.S. Citizenship
and Immigration Services;
Christina Poulos, Director of California Service
Center, U.S. Citizenship and Immigration Services
Services,
Robert S. Mueller, III, Director of Federal Bureau
of Investigation

Defendants.

C07 02870

HRL

CIVIL ACTION FILE NO.

PLAINTIFF'S ORIGINAL COMPLAINT
FOR WRIT IN THE NATURE
MANDAMUS & DECLARATORY JUDGEMENT

COME NOW THE PLAINTIFFS, Kuan How Yang and Jui Ning Yang in the above-

captioned matter, and hereby states as follows.

1. This action is brought against the Defendants to compel action on the clearly delayed processing of the I-485 Applications filed by the Plaintiffs, Kuan How Yang and Jui Ning Yang. The applications were filed and remain within the jurisdiction of the Defendants, who have improperly delayed processing the applications to Plaintiffs' detriment.

PARTIES

2. Plaintiffs, Kuan How Yang and Jui Ning Yang, reside at 682 High Glen Drive, San Jose, CA 95133, are the applicants of two I-485, Application to Adjust to Permanent Resident Status, filed with the USCIS on December 09, 1997 and June 28, 2001 respectively.

3. Defendant Michael Chertoff is the Secretary of the Department of Homeland Security ("DHS"), and this action is brought against him in his official capacity. He is generally charged with enforcement of the INA, and is further authorized to delegate such powers and authority to subordinate employees of the DHS. 8 U.S.C. §1103(a); 8 C.F.R. §2.1.

4. Defendant Emilio T. Gonzalez is the Director of the United States Citizenship and Immigration Services ("USCIS"), an agency within the DHS to whom the Secretary's authority has in part been delegated and is subject to the Secretary's supervision. Defendant Director is generally charged with the overall administration of benefits and immigration services. 8 C.F.R. §100.2(a); 8 C.F.R. §103.1(b).

5. Defendant Christina Poulos, Director of California Service Center, is an official of the USCIS generally charged with supervisory authority over all operations of the USCIS California Service Center with certain specific exceptions not relevant here. 8 C.F.R. §100.2(d); 8 C.F.R. §103.1(b). As will be shown, Defendant Director is the official with whom Plaintiffs' I-485 applications remain pending.

1 6. Defendant Robert S. Mueller, III, is the Director of the Federal Bureau of Investigations
2 ("FBI"), the law enforcement agency that conducts security clearances for other U.S.
3 government agencies, such as the Department of State. As will be shown, Defendant has failed
4 to complete the security clearances on Plaintiffs' cases.

5 6 JURISDICTION

7
8 7. Jurisdiction in this case is proper under 28 U.S.C. §1331 and §1361, 5 U.S.C. §701 *et*
9 *seq.*, and 28 U.S.C. §2201 *et seq.* Relief is requested pursuant to said statutes.

10 VENUE

11
12 8. Venue is proper in this court, pursuant to 28 U.S.C. §1391(e), in that this is an action
13 against officers and agencies of the United States in their official capacities, brought in the
14 District where Plaintiffs reside.

15 EXHAUSTION OF REMEDIES

16
17
18 9. Plaintiffs have exhausted their administrative remedies. Plaintiffs have supplied the
19 USCIS documents that clearly establish their eligibility to Adjust to Permanent Resident Status.

20 CAUSE OF ACTION

21
22 10. Plaintiffs Kuan How Yang and Jui Ning Yang properly filed their I-485, Application to
23 Adjust to Permanent Resident Status, with the USCIS on December 09, 1997 and June 28, 2001
24 respectively based on an approved I-526 of the Principal. Despite the fact that the Principal's I-
25 485 application has been approved on June 07, 2004 (Exhibit 1), Plaintiffs' I-485 applications
26 remain un-adjudicated.
27
28

11. During the course of their I-485 application, Plaintiff Kuan How Yang had his biometrics taken with the USCIS three times so far on December 29, 2004, October 27, 2005 and October 03, 2006 (Exhibit 2) and Plaintiff Jui Ning Yang had her biometrics taken with the USCIS three times so far on January 31, 2002, January 15, 2004 and March 30, 2005 (Exhibit 3).

12. Plaintiff Kuan How Yang checked the status of his case with the USCIS California Service Center via facsimile on March 11, 1999 and the Center replied on March 16, 1999 claiming his case is still pending (Exhibit 4).

13. Plaintiff Kuan How Yang then inquired the status of his case with the USCIS via email on July 18, 2005. On July 19, 2005, the office verified Plaintiff that his case is still pending for the reason of awaiting his name check result from the FBI (Exhibit 5).

14. Plaintiff, Kuan How Yang, again, inquired the status of his case with the USCIS via email on January 17, 2006, the USCIS informed him that his application is still pending for the completion of Background security/name checks (Exhibit 6).

15. Plaintiff, Jui Ning Yang also made inquiries about her case status with USCIS via email on June 24, 2005 and January 17, 2006. USCIS replied Plaintiff that her case is still pending due to awaiting name check result from the FBI (Exhibit 7).

16. Defendants have sufficient information to determine Plaintiffs' eligibility pursuant to applicable requirements and complete the processing procedures.

17. Defendants' delay in those cases is, as a matter of law, arbitrary and not in accordance with the law. Defendants willfully, and unreasonably, have inappropriately refused to adjudicate the applications, thereby depriving them of the rights to which Plaintiffs are entitled.

18. Plaintiffs have been greatly damaged by the failure of Defendants to act in accord with their duties under the law. Specifically, Plaintiffs have been unable to obtain legal permanent residence, travel and work without restriction and accrue time to be eligible for Naturalization as a citizen of the United States.

19. Defendants, in violation of the Administrative Procedures Act, 5 U.S.C. §701 *et seq.*, are unlawfully withholding action on the Plaintiffs' applications and have failed to carry out the adjudicative functions delegated to them by law with regard to Plaintiffs' cases.

20. Plaintiffs had provided sufficient evidence of their attempt to secure adjudication of their applications at issue, all to no avail. Accordingly, Plaintiffs had been forced to retain the services of their attorney to pursue the instant action.

PRAYER

21. WHEREFORE, in view of the arguments and authority noted herein, Plaintiffs respectfully pray that the Defendants be cited to appear herein and that, upon due consideration, the Court enter an order:

- (a) requiring Defendants to properly adjudicate Plaintiffs' applications for action on an approved petition;
- (b) requiring Defendants to provide Plaintiffs with a Notice of Decision;
- (c) awarding Plaintiffs reasonable attorney's fees pursuant to the Equal Access to Justice Act; and
- (d) granting such other relief at law and in equity as justice may require.

Dated: May 30, 2007

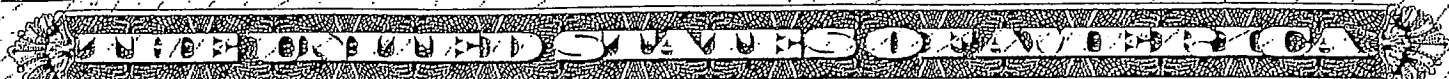
Respectfully submitted,

Stanley Chao
Attorney for Plaintiff

LIST OF ATTACHMENTS

Exhibit	Description
1.	CIS's I-485 Receipt Notice of Plaintiffs and I-485 Approval notice of the Principal
2.	Three Fingerprint Notifications for Plaintiff Kuan How Yang
3	Three Fingerprint Notifications for Plaintiff Jui Ning Yang
4.	Plaintiff Kuan How Yang's inquiry on 03/11/1999 & CIS's response on 03/16/1999
5.	Plaintiff Kuan How Yang's inquiry on 07/18/2005 & CIS's response on 07/19/2005
6.	Plaintiff Kuan How Yang's inquiry 01/17/2006 & CIS's response on 01/19/2006
7.	Plaintiff Jui Ning Yang's inquiries on 06/24/2005 and 01/17/2006 & CIS's response on 06/27/2005 and 01/19/2006

Exhibit 1




RECEIPT NUMBER WAC-98-049-53847		CASE TYPE I485 APPLICATION TO ADJUST TO PERMANENT RESIDENT STATUS
RECEIVED DATE December 9, 1997	PRIORITY DATE	APPLICANT A75 491 913 YANG, KUAN HOW
NOTICE DATE December 11, 1997	PAGE 1 of 1	

STANLEY CHAO 28 N FIRST ST STE 400 SAN JOSE CA 95113	Notice Type: Receipt Notice Amount received: \$ 130.00 Section: Derivative adjustment
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The above application or petition has been received. It usually takes 120 to 150 days from the date of this receipt for us to process this type of case. Please notify us immediately if any of the above information is incorrect. Our customer service phone number is listed below.

We will send you a written notice as soon as we make a decision on this case. You can also use the phone number below to obtain case status information direct from our automated system 24 hours a day with a touch-tone phone and the receipt number for this case (at the top of this notice).

Please see the additional information on the back. You will be notified separately about any other cases you filed. IMMIGRATION & NATURALIZATION SERVICE CALIFORNIA SERVICE CENTER P.O. BOX 3011A LAGUNA NIGUEL CA 92607-0111 Customer Service Telephone: (714) 360-2769	
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RECEIPT NUMBER WAC-01-264-59462		CASE TYPE I-485 APPLICATION TO ADJUST TO PERMANENT RESIDENT STATUS	
RECEIVED DATE June 28, 2001	PRIORITY DATE	APPLICANT A79 527 897 YANG, JUI NING	
NOTICE DATE August 23, 2001	PAGE 1 of 1		
STANLEY CHAO LAW OFFICES OF STANLEY CHAO RE: JUI NING YANG 28 N FIRST ST STE 400 SAN JOSE CA 95113		Notice Type: Receipt Notice Amount received: \$ 245.00 Section: Derivative adjustment	
<p>The above application or petition has been received. It usually takes 975 to 999 days from the date of this receipt for us to process this type of case. Please notify us immediately if any of the above information is incorrect.</p> <p>We will send you a written notice as soon as we make a decision on this case. You can also use the phone number (949) 831 8427 to obtain case status information direct from our automated system 24 hours a day with a touch-tone phone and the receipt number for this case (at the top of this notice).</p> <p>If you have other questions about possible immigration benefits and services, filing information, or Immigration and Naturalization Service forms, please call the INS National Customer Service Center (NCSC) at 1-800-375-5283. If you are hearing impaired, please call our TDD at 1-800-767-1833.</p> <p>If you have access to the Internet, you can also visit the INS at www.ins.usdoj.gov. Here you can find valuable information about forms and filing instructions, and about general immigration services and benefits. At present, this site does not provide case status information.</p>			

Please see the additional information on the back. You will be notified separately about any other cases you filed.

IMMIGRATION & NATURALIZATION SERVICE
CALIFORNIA SERVICE CENTER
P. O. BOX 30111
LAGUNA NIGUEL CA 92607-0111
Customer Service Telephone: (949) 831 8427





RECEIPT NUMBER WAC-98-049-53789		CASE TYPE I485 APPLICATION TO ADJUST TO PERMANENT RESIDENT STATUS	
RECEIPT DATE December 10, 1997	PRIORITY DATE December 6, 2000	APPLICANT A75 491 912 YANG FONG, MEI LI	
NOTICE DATE June 7, 2004	PAGE 1 of 1		
STANLEY CHAO 28 N FIRST ST STE 400 SAN JOSE CA 95113		Notice Type: Approval Notice Section: Adjustment as direct beneficiary of immigrant petition COA: E37	

Your application for permanent resident status has been approved. Please take this notice, your Arrival/Departure Record, Form I-94, your passport, and two ADIT style color photos meeting the specifications listed below, to the local INS office listed below to have your fingerprint and signature taken on Form I-89, and otherwise complete processing for your Alien Registration Card. The address of your local INS office is:

U.S. Department of Justice, INS, 1887 Monterey Road, San Jose, CA 95112

Monday: 07:30am - 11:00am
Tuesday: 07:30am - 11:00am
Wednesday: 07:30am - 11:00am
Thursday: 07:30am - 11:00am

Please direct your questions to the office listed here. You may appear at the above office on the days and times specified.

PHOTO SPECIFICATIONS: The 2 ADIT-style color photographs should be taken within the 30 days before you go to the local INS office for processing. The photographs must:

- have a white background, be unmounted, be printed on thin paper, be glossy and unretouched;
- show a three-quarter frontal profile of the right side of your face, with your right ear visible and with your head bare (unless you are wearing a headdress as required by a religious order to which you belong);
- are no longer than 2x2 inches, with the distance from the top of the head to just below the chin about 1 - 1-1/4 inches;

Lightly print your name and A# from this notice, on the back of each photo with a pencil.

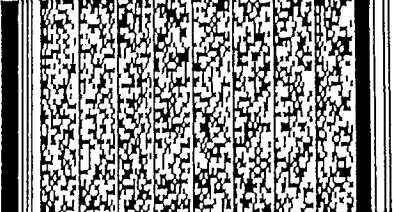

THIS FORM IS NOT A VISA NOR MAY IT BE USED IN PLACE OF A VISA.

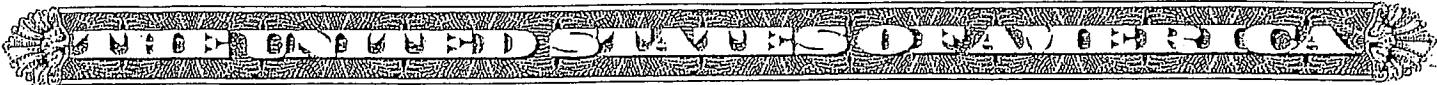
Please see the additional information on the back. You will be notified separately about any other cases you filed.

IMMIGRATION & NATURALIZATION SERVICE
CALIFORNIA SERVICE CENTER
P. O. BOX 30111
LAGUNA NIGUEL CA 92607-0111
Customer Service Telephone: (800) 375-5283



Exhibit 2

Fingerprint Notification		NOTICE DATE 12/15/2004	
CASE TYPE I485 Application to Register Permanent Resident or Adjust Status		SOCIAL SECURITY NUMBER	
APPLICATION NUMBER wac9804953847		CODE 1	USCIS A# A075491913
		SERVICE CENTER WSC	PAGE 1 of 1
APPLICANT NAME AND MAILING ADDRESS KUAN-HOW YANG c/o STANLEY CHAO LAW OFFICE OF STANLEY CHAO 28 N FIRST ST SUITE 400 SAN JOSE, CA 95113-			
Your fingerprint card on file with the U. S. Citizenship & Immigration Services (USCIS) has expired. In order for USCIS to continue processing your application, it will be necessary to have your fingerprints re-taken. This will be completed at no additional expense to you. PLEASE APPEAR AT THE BELOW APPLICATION SUPPORT CENTER AT THE DATE AND TIME SPECIFIED. If you are unable to do so, complete the bottom of this notice and return the entire original notice to the address below.			
APPLICATION SUPPORT CENTER		DATE AND TIME OF APPOINTMENT	
USCIS SAN JOSE 122 CHARCOT AVE. SAN JOSE, CA 95131		12/29/2004 8:00 AM	
WHEN YOU GO TO THE APPLICATION SUPPORT CENTER TO HAVE YOUR FINGERPRINTS TAKEN, YOU MUST BRING:			
1. THIS APPOINTMENT NOTICE and 2. PHOTO IDENTIFICATION. Naturalization applicants must bring their Alien Registration Card. All other applicants must bring a passport, driver's license, national ID, military ID, or State-issued photo ID. If you appear without proper identification, you may not be fingerprinted.			
PLEASE DISREGARD THIS NOTICE IF YOUR APPLICATION HAS ALREADY BEEN GRANTED.			
REQUEST FOR RESCHEDULING			
Please reschedule my appointment for the next available: <input type="checkbox"/> Wednesday afternoon <input type="checkbox"/> Saturday afternoon			
U. S. Citizenship & Immigration Services (USCIS) cannot guarantee the day preferred, but will do so to the extent possible. Upon receipt of your request, you will be provided a new appointment notice. Please mail your request to:			
USCIS SAN JOSE 122 CHARCOT AVE. SAN JOSE, CA 95131			
If you have any questions regarding this notice, please call 1-800-375-5283.		APPLICANT COPY	
APPLICATION NUMBER wac9804953847			
WARNING!			
Due to limited seating availability in our lobby area, only persons who are necessary to assist with transportation or completing the fingerprint worksheet should accompany you. If you have open wounds or bandages/casts when you appear, the USCIS may reschedule your appointment if it is determined your injuries will interfere with fingerprinting.			



ASC Appointment Notice

NOTICE DATE
09/22/2005

CASE TYPE

I485 Application to Register Permanent Resident or Adjust Status

SOCIAL SECURITY NUMBER

USCIS A#

A075491913

APPLICATION NUMBER

WAC9804953847

CODE

2

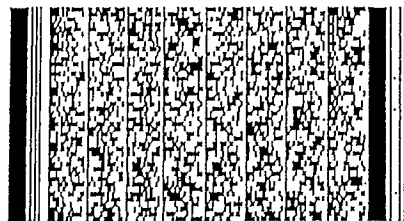
SERVICE CENTER

WSC

PAGE

1 of 1

KUAN HOW YANG
c/o STANLEY CHAO
LAW OFFICE OF STANLEY CHAO
28 N FIRST ST STE 400
SAN JOSE, CA 95131



Your fingerprint card on file with the U. S. Citizenship & Immigration Services (USCIS) has expired. In order for USCIS to continue processing your application, it will be necessary to have your fingerprints re-taken. This will be completed at no additional expense to you.

PLEASE APPEAR AT THE BELOW APPLICATION SUPPORT CENTER AT THE DATE AND TIME SPECIFIED:

If you are unable to do so, complete the bottom of this notice and return the entire original notice to the address below.

RESCHEDULING YOUR APPOINTMENT WILL DELAY YOUR APPLICATION. IF YOU FAIL TO APPEAR AS SCHEDULED BELOW AND FAIL TO REQUEST RESCHEDULING, YOUR APPLICATION WILL BE CONSIDERED ABANDONED.

APPLICATION SUPPORT CENTER

USCIS SAN JOSE
122 CHARCOT AVE.
SAN JOSE, CA 95131

DATE AND TIME OF APPOINTMENT

10/27/2005

8:00 AM

WHEN YOU GO TO THE APPLICATION SUPPORT CENTER TO HAVE YOUR BIOMETRICS TAKEN, YOU MUST BRING:

1. THIS APPOINTMENT NOTICE and
2. PHOTO IDENTIFICATION. Naturalization applicants must bring their Alien Registration Card. All other applicants must bring a passport, driver's license, national ID, military ID, or State-issued photo ID. If you appear without proper identification, your biometrics may not be taken.

REQUEST FOR RESCHEDULING

Please reschedule my appointment for the next available: ☐ Wednesday afternoon. ☐ Saturday afternoon

U.S. Citizenship & Immigration Services (USCIS) cannot guarantee the day preferred, but will do so to the extent possible.

Upon receipt of your request, you will be provided a new appointment notice. Please mail your request to:

USCIS SAN JOSE
122 CHARCOT AVE.
SAN JOSE, CA 95131

APPLICATION NUMBER 1

I485 - WAC9804953847

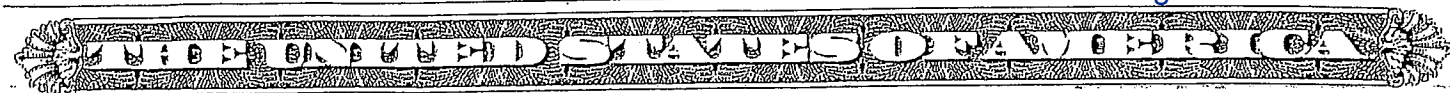


If you have any questions regarding this notice, please call 1-800-375-5283.

WARNING!

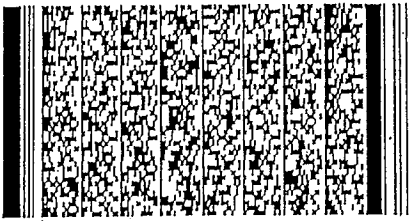
Due to limited seating availability in our lobby area, only persons who are necessary to assist with transportation or completing the biometrics worksheet should accompany you.

If you have open wounds or bandages/casts when you appear, the USCIS may reschedule your appointment if it is determined your injuries will interfere with taking your biometrics.



ASC Appointment Notice		APPLICATION NUMBER WAC9804953847		NOTICE DATE 9/19/2006
CASE TYPE I485 Application to Register Permanent Resident or Adjust Status		SOCIAL SECURITY NUMBER	USCIS A# A075491913	CODE 1
		TCR	SERVICE CENTER WSC	PAGE 1 of 1

KUAN HOW YANG
c/o STANLEY CHAO
28 N FIRST ST STE 400
SAN JOSE, CA 95113



To process your application, the U. S. Citizenship & Immigration Services (USCIS) must capture your biometrics.
PLEASE APPEAR AT THE BELOW APPLICATION SUPPORT CENTER AT THE DATE AND TIME SPECIFIED.
IF YOU FAIL TO APPEAR AS SCHEDULED, YOUR APPLICATION WILL BE CONSIDERED ABANDONED.

APPLICATION SUPPORT CENTER USCIS SAN JOSE 122 CHARCOT AVE. SAN JOSE, CA 95131	DATE AND TIME OF APPOINTMENT 10/03/2006 1:00 PM
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WHEN YOU GO TO THE APPLICATION SUPPORT CENTER TO HAVE YOUR BIOMETRICS TAKEN, YOU MUST BRING:

1. THIS APPOINTMENT NOTICE and
2. PHOTO IDENTIFICATION. Naturalization applicants must bring their Alien Registration Card. All other applicants must bring a passport, driver's license, national ID, military ID, or State-issued photo ID. If you appear without proper identification, your biometrics may not be taken.

REQUEST FOR RESCHEDULING

Please reschedule my appointment for the next available: ☒ Wednesday afternoon ☐ Saturday afternoon

U.S. Citizenship & Immigration Services (USCIS) cannot guarantee the day preferred; but will do so to the extent possible. Upon receipt of your request, you will be provided a new appointment notice. Make a copy of this notice for your records, then mail the original with your request to USCIS SAN JOSE, 122 CHARCOT AVE., SAN JOSE, CA 95131

APPLICATION NUMBER I485 - WAC9804953847 

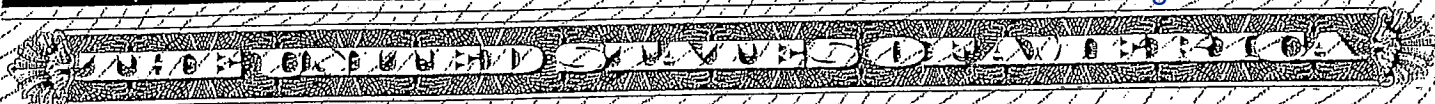
If you have any questions regarding this notice, please call 1-800-375-5283.

WARNING!

Due to limited seating availability in our lobby area, only persons who are necessary to assist with transportation or completing the biometrics worksheet should accompany you.

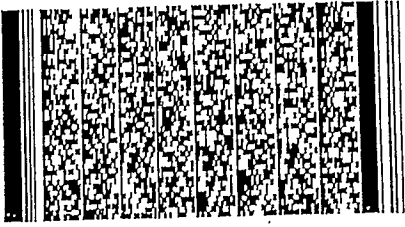
If you have open wounds or bandages/casts when you appear, the USCIS may reschedule your appointment if it is determined your injuries will interfere with taking your biometrics.

Exhibit 3



Fingerprint Notification			NOTICE DATE December 24, 2001
CASE TYPE 1485 Application To Adjust To Permanent Resident Status			INS # A 079,527,897
APPLICATION NUMBER FPS*001625602	RECEIVED DATE June 28, 2001	PRIORITY DATE June 28, 2001	PAGE 1 of 1
APPLICANT NAME AND MAILING ADDRESS JUI NING YANG c/o STANLEY CHAO LAW OFFICES OF STANLEY CHAO 28 N FIRST ST STE 400 RE: JUI NING YANG SAN JOSE CA 95113 14044444444444444444			
<p>To process your application, INS must take your fingerprints and have them cleared by the FBI. PLEASE APPEAR AT THE BELOW APPLICATION SUPPORT CENTER AT THE DATE AND TIME SPECIFIED. If you are unable to do so, complete the bottom of this notice and return the entire original notice to the address below. RESCHEDULING YOUR APPOINTMENT WILL DELAY YOUR APPLICATION. IF YOU FAIL TO APPEAR AS SCHEDULED BELOW OR FAIL TO REQUEST RESCHEDULING, YOUR APPLICATION WILL BE CONSIDERED ABANDONED.</p>			
APPLICATION SUPPORT CENTER INS SAN JOSE 740 STORY ROAD RM 15 (LOCATED BEHIND TACO BELL) SAN JOSE CA 95122		DATE AND TIME OF APPOINTMENT 01/31/2002 10:00 AM	
<p>WHEN YOU GO TO THE APPLICATION SUPPORT CENTER TO HAVE YOUR FINGERPRINTS TAKEN, YOU MUST BRING:</p> <ol style="list-style-type: none"> 1. THIS APPOINTMENT NOTICE and 2. PHOTO IDENTIFICATION. Naturalization applicants must bring their Alien Registration Card. All other applicants must bring a passport, driver's license, national ID, military ID, or State-issued photo ID. If you appear without proper identification, you will not be fingerprinted. 			
<p>PLEASE DISREGARD THIS NOTICE IF:</p> <ol style="list-style-type: none"> 1. YOU HAVE BEEN FINGERPRINTED WITHIN THE LAST 90 DAYS, 2. YOUR APPLICATION HAS ALREADY BEEN GRANTED, OR 3. YOU WERE UNDER 14 YEARS OF AGE OR OVER 79 (75 FOR NATURALIZATION APPLICANTS) AT THE TIME YOUR APPLICATION WAS FILED. 			
<p align="center">REQUEST FOR RESCHEDULING</p> <p>Please reschedule my appointment for the next available: <input type="checkbox"/> Wednesday afternoon <input type="checkbox"/> Saturday afternoon</p> <p>INS cannot guarantee the day preferred, but will do so to the extent possible. Upon receipt of your request, you will be provided a new appointment notice. Please mail your request to:</p> <p>INS SAN JOSE 740 STORY ROAD RM 15 (LOCATED BEHIND TACO BELL) SAN JOSE CA 95122</p> <p>If you have any questions regarding this notice, please call 1-800-375-5283.</p>			
APPLICATION NUMBER FPS*001625602		<p align="center">REPRESENTATIVE COPY</p> 	
<p align="center">WARNING!</p> <p>Due to limited seating availability in our lobby areas, only persons who are necessary to assist with transportation or completing the fingerprint worksheet should accompany you.</p>			

Fingerprint Notification		NOTICE DATE 12/18/2003
CASE TYPE I485 Application to Register Permanent Resident or Adjust Status	SOCIAL SECURITY NUMBER	INS A# A079527897
APPLICATION NUMBER	SERVICE CENTER WSC	PAGE 1 of 1

APPLICANT NAME AND MAILING ADDRESS JUI-NING YANG c/o STANLEY CHAO 28 N FIRST ST STE 400 SAN JOSE, CA 95113	
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Your fingerprint card (FD-258) on file with the Immigration & Naturalization Service (INS) has expired. In order for the INS to continue processing your application, it will be necessary to have your fingerprints re-taken. This will be completed at no additional expense to you. **PLEASE APPEAR AT THE BELOW APPLICATION SUPPORT CENTER AT THE DATE AND TIME SPECIFIED.** If you are unable to do so, complete the bottom of this notice and return the entire original notice to the address below.

APPLICATION SUPPORT CENTER	DATE AND TIME OF APPOINTMENT
BCIS SAN JOSE 122 CHARCOT AVE. SAN JOSE, CA 95131	01/15/2004 8:00 AM

WHEN YOU GO TO THE APPLICATION SUPPORT CENTER TO HAVE YOUR FINGERPRINTS TAKEN, YOU MUST BRING:

1. THIS APPOINTMENT NOTICE and
2. PHOTO IDENTIFICATION. Naturalization applicants must bring their Alien Registration Card. All other applicants must bring a passport, driver's license, national ID, military ID, or State-issued photo ID. If you appear without proper identification, you may not be fingerprinted.

PLEASE DISREGARD THIS NOTICE IF YOUR APPLICATION HAS ALREADY BEEN GRANTED.

REQUEST FOR RESCHEDULING

Please reschedule my appointment for the next available: ☐ Wednesday afternoon ☐ Saturday afternoon

INS cannot guarantee the day preferred, but will do so to the extent possible.
 Upon receipt of your request, you will be provided a new appointment notice. Please mail your request to:

BCIS SAN JOSE
 122 CHARCOT AVE.
 SAN JOSE, CA 95131

If you have any questions regarding this notice, please call 1-800-375-5283.

APPLICANT COPY

APPLICATION NUMBER

WARNING!

Due to limited seating availability in our lobby area, only persons who are necessary to assist with transportation or completing the fingerprint worksheet should accompany you.
If you have open wounds or bandages/casts when you appear, the INS may reschedule your appointment if it is determined your injuries will interfere with fingerprinting.




Fingerprint Notification		NOTICE DATE 03/17/2005
CASE TYPE 1485 Application to Register Permanent Resident or Adjust Status		SOCIAL SECURITY NUMBER USCIS A# A079527897
APPLICATION NUMBER WAC0126459462	CODE 3	SERVICE CENTER WSC PAGE 1 of 1
<div style="display: flex; justify-content: space-between;"> <div style="width: 60%;"> <p>APPLICANT NAME AND MAILING ADDRESS JUI-NING YANG c/o STANLEY CHAO LAW OFFICE OF STANLEY CHAO 28 N FIRST ST STE 400 SAN JOSE, CA 95113</p> </div> <div style="width: 35%; text-align: center;">  </div> </div> <p>To process your application, the U.S. Citizenship & Immigration Services (USCIS) must capture your Biometrics. PLEASE APPEAR AT THE BELOW APPLICATION SUPPORT CENTER AT THE DATE AND TIME SPECIFIED. If you are unable to do so, complete the bottom of this notice and return the entire original notice to the address below. RESCHEDULING YOUR APPOINTMENT WILL DELAY YOUR APPLICATION. IF YOU FAIL TO APPEAR AS SCHEDULED BELOW AND FAIL TO REQUEST RESCHEDULING, YOUR APPLICATION WILL BE CONSIDERED ABANDONED.</p>		
APPLICATION SUPPORT CENTER USCIS SAN JOSE 122 CHARCOT AVE. SAN JOSE, CA 95131		DATE AND TIME OF APPOINTMENT 03/30/2005 8:00 AM
<p>WHEN YOU GO TO THE APPLICATION SUPPORT CENTER TO HAVE YOUR BIOMETRICS TAKEN, YOU MUST BRING:</p> <ol style="list-style-type: none"> 1. THIS APPOINTMENT NOTICE AND ANY RECEIPT NOTICES ASSOCIATED WITH YOUR APPLICATION. 2. PHOTO IDENTIFICATION: Naturalization applicants must bring their Alien Registration Card. All other applicants must bring a passport, driver's license, national ID, military ID, or State-issued photo ID. If you appear without proper identification, your biometrics may not be taken. 		
PLEASE DISREGARD THIS NOTICE IF YOUR APPLICATION HAS ALREADY BEEN GRANTED.		
<p style="text-align: center;">REQUEST FOR RESCHEDULING</p> <p>Please reschedule my appointment for the next available: <input type="checkbox"/> Wednesday afternoon <input type="checkbox"/> Saturday afternoon</p> <p>U.S. Citizenship & Immigration Services (USCIS) cannot guarantee the day preferred, but will do so to the extent possible. Upon receipt of your request, you will be provided a new appointment notice. Please mail your request to:</p> <p>USCIS SAN JOSE 122 CHARCOT AVE. SAN JOSE, CA 95131</p> <p>If you have any questions regarding this notice, please call 1-800-375-5283.</p> <div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div style="width: 40%;"> <p>APPLICATION NUMBER WAC0126459462</p> </div> <div style="width: 50%; text-align: center;"> <p>APPLICANT COPY</p>  </div> </div>		
<p style="text-align: center;">WARNING!</p> <p><i>Due to limited seating availability in our lobby area, only persons who are necessary to assist with transportation or completing the fingerprint worksheet should accompany you.</i></p>		

Exhibit 4

CSC INQUIRY FORM

(DO NOT ATTACH OTHER PAGES)

(SIGNATURE OF ATTORNEY/APPLICANT REQUIRED)

03/11/99

DATE

Return Mail Label:

Respond to: Law Offices of Stanley ChaoAddress: 28 North First St., #400San Jose, CA 95113Attn: RowenaThis is the: X 1st Inquiry A X EBPL: (949) 360-2877 3/11/99

FPL: (949) 360-2879

RPL: (949) 360-2878

2nd Inquiry

(949) 360-2881

3rd Inquiry

(949) 643-1538

Tel: (408) 297-2297Fax: (408) 297-6956CASE WAC# WAC-98-049-53789 "A" A75 491 912TYPE OF CASE: (Please indicate petition form number) I-485 (AOS)

Petitioner: _____ Beneficiary: _____

Identify Principal applicant if different from above:

Name: FONG, Mei-LiWAC#: WAC-98-049-53789

(For I-485 Cases, Provide The Following:)

Name: FONG, Mei-LiCountry of Birth: MyanmarWAC #: WAC-98-049-53789"A" Number (if known): A75 491 912Visa Category: InvestorPriority Date: 07/07/97I-140 Petition Approval Receipt # (WAC): WAC-97-191-50874**COMMENTS:** (Include any family member's cases)Dependent: ~~YANG~~, Kuan-How; WAC-98-049-53847; A75 491 913Both applications are outside the normal processing time (120 to 150 days from December 9, 1997 on I-485 Receipt Notices). Please kindly inform us the current status.*****INS RESPONSE**INS RESPONSE**INS RESPONSE*****

In response to your fax inquiry, please note the item(s) checked below:

- _____ The application/petition is not outside the normal processing time
- _____ The application/petition has been transferred from CSC to the _____
- _____ The application/petition was approved on _____ and a notice was mailed.
- _____ If you wish a duplicate approval notice please file Form I-824
- _____ Processing for this application/petition is now an additional _____ weeks.
- _____ The application/petition was denied on _____ and a decision was mailed.
- _____ Other _____

COMMENTS:



U.S. DEPARTMENT OF JUSTICE
Immigration and Naturalization Service
California Service Center
P.O. Box 30111
Laguna Niguel, CA 92607-0111

F

Law office of Stanley Chao

*28 N. 1st street #400
San Jose, CA 95113*

L

Date:

3/16/99

A# *75 491912*
75 491 913

WACH *98-049-53789*
98-049-53847

The following is provided in response to your inquiry.

1. _____ APPROVED - Your application/petition was approved on _____.
2. _____ PENDING - Your application petition is still pending.
3. _____ DENIED - Your application petition was denied on _____.
4. _____ DUPLICATE APPROVAL NOTICE - Form I-824 is used to request a duplicate approval notice. The fee is \$30.
5. _____ UNABLE TO LOCATE - With the information furnished, we were unable to locate a record of your application/petition. Please submit a copy (front and back) of the related canceled check, or copy of the fee receipt.
6. _____ EVIDENCE REQUESTED - Initial or additional evidence was requested on _____. No response to the request has been received as of this date.
7. _____ LANGUAGE - All correspondence received at the California Service Center must be in English or accompanied by an English translation. Your previous correspondence is being returned.
8. _____ OTHER OFFICE - Please contact the Immigration office indicated on the attachment.
9. _____ REPRESENTATIVE - Form G-28 from the attorney or representative of the applicant/petition is not on file. Therefore we are unable to respond. We must have an original G-28 on file.
10. _____ CARD MAILED - Your card was mailed to you on _____, and has not been returned undeliverable. If you have not received it, you may need to file a new application with fee.
11. ☒ OTHER - *Your Cases are pending - we are currently processing applications filed on 01/03/97*

CSC 7433

Exhibit 5

FROM: "485, CSC XII " <CSC-XII.485@dhs.gov>
DATE: Tue, 19 Jul 2005 16:31:00 -0400
TO: "\"RowenaK\" " <RowenaK@stanleychao.com>
SUBJECT: Re:Status I-485 (WAC-98-049-53847)

This is to inform you that the I-485 in question is still pending. The reason that it is still pending is that USCIS is awaiting NAME CHECK results from the FBI. It may have been a long time since we sent the name, but USCIS has no control of the time it takes. USCIS also does not have dates as to when the Names were originally sent to the FBI, we can only confirm that they in fact were sent. Please allow 120 days before additional inquiries. In the future we will not be addressing weekly inquiries. Please Note: If the principal is not adjudicated then the derivatives will NOT be adjudicated. We apologize for any and all inconvenience this may cause.

Thank You
James A Williams
Center Adjudication's Officer
Div XII, California Service Center

Reply Separator

Subject: Status I-485 (WAC-98-049-53847)
Author: "RowenaK " <SMTP:RowenaK@stanleychao.com>
Date: 7/18/05 12:56 PM

Name of Individual making inquiry: Stanley Chao
Relationship to the application: Attorney of Record

Phone: (408) 297-2297
Fax: (408) 297-6956
E-mail: rowenak@stanleychao.com

WAC or A file: WAC-98-049-53847 (A75 491 913)
Form type: I-485
Name of Applicant: YANG, Kuan-How

The I-485 application for the principal applicant (YANG FONG, Mei-Li; WAC-98-049-53789; A75 491 912) has been approved on June 7, 2004. However,

the
above-mentioned I-485 (for derivative child) remains pending to date.

We would appreciate it if the Service could kindly inform us of the current status of this application.

Thank you very much for your assistance.

Exhibit 6

From: 485, CSC XII [CSC-XII.485@dhs.gov]
Sent: Thursday, January 19, 2006 8:00 AM
To: "Rowena Kwong"
Subject: Re: Status I-485 (WAC-98-049-53847)

This is to inform you that the I-485 in question is still pending. The reason that it is still pending is that USCIS is awaiting NAME CHECK results from the FBI. It may have been a long time since we sent the name, but USCIS has no control of the time it takes. USCIS also does not have dates as to when the names were originally sent to the FBI, we can only confirm that they in fact were sent. Please allow 120 days before additional inquiries. Please Note: If the principal is not adjudicated then the derivatives will NOT be adjudicated.

Thank You
James A Williams
Center Adjudications Officer
Div XII, California Service Center

Reply Separator

Subject: Status I-485 (WAC-98-049-53847)
Author: "Rowena Kwong" <SMTP:rowenak@stanleychao.com>
Date: 1/17/2006 8:38 PM

Name of Individual making inquiry: Stanley Chao
Relationship to the application: Attorney of Record

Phone: (408) 297-2297
Fax: (408) 297-6956
E-mail: rowenak@stanleychao.com

WAC or A file: WAC-98-049-53847 (A75 491 913)
Form type: I-485
Name of Applicant: YANG, Kuan-How (Derivative)

The I-485 application for the principal applicant (YANG FONG, Mei-Li; WAC-98-049-53789; A75 491 912) has been approved on June 7, 2004. However, the above-mentioned I-485 (for derivative child) remains pending to date.

We would appreciate it if the Service could kindly inform us of the current status of this application.

Thank you very much for your assistance.

Exhibit 7

From: 485, CSC XII [CSC-XII.485@dhs.gov]
Sent: Thursday, January 19, 2006 7:59 AM
To: "Rowena Kwong"
Subject: Re:Status I-485 (WAC-01-264-59462)

This is to inform you that the I-485 in question is still pending. The reason that it is still pending is that USCIS is awaiting NAME CHECK results from the FBI. It may have been a long time since we sent the name, but USCIS has no control of the time it takes. USCIS also does not have dates as to when the names were originally sent to the FBI, we can only confirm that they in fact were sent. Please allow 120 days before additional inquiries. Please Note: If the principal is not adjudicated then the derivatives will NOT be adjudicated.

Thank You
James A Williams
Center Adjudications Officer
Div XII, California Service Center

Reply Separator

Subject: Status I-485 (WAC-01-264-59462)
Author: "Rowena Kwong" <SMTP:rowenak@stanleychao.com>
Date: 1/17/2006 8:12 PM

Name of Individual making inquiry: Stanley Chao
Relationship to the application: Attorney of Record

Phone: (408) 297-2297
Fax: (408) 297-6956
E-mail: rowenak@stanleychao.com

WAC or A file: WAC-01-264-59462 (A79 527 897)
Form type: I-485
Name of Applicant: YANG, Jui-Ning (Derivative)

The I-485 application for the principal has been approved on June 7, 2004. However, the above-mentioned I-485 (for derivative child) remains pending to date. Therefore, we would appreciate it if the Service could kindly inform us of the current status of this application.

Thank you very much for your assistance.

FROM: "485, CSC XII " <CSC-XII.485@dhs.gov>
DATE: Mon, 27 Jun 2005 16:30:00 -0400
TO: ""RowenaK \" " <RowenaK@stanleychao.com>
SUBJECT: Re:Expedite I-485 (WAC-01-264-59462)

This is to inform you that the I-485 in question is still pending. The reason that it is still pending is that USCIS is awaiting NAME CHECK results from the FBI. It may have been a long time since we sent the name, but USCIS has no control of the time it takes. We apologize for the delay

Thank You
James A Williams
Center Adjudications Officer
Div XII, California Service Center

Reply Separator

Subject: Expedite I-485 (WAC-01-264-59462)
Author: "RowenaK " <SMTP:RowenaK@stanleychao.com>
Date: 6/24/05 6:42 PM

Name of Individual making inquiry: Stanley Chao
Relationship to the application: Attorney of Record

Phone: (408) 297-2297
Fax: (408) 297-6956
E-mail: rowenak@stanleychao.com

WAC or A file: WAC-01-264-59462 (A79 527 897)
Form type: I-485
Name of Applicant: YANG, Jui-Ning

The I-485 application for the principal has been approved on June 7, 2004. However, the above-mentioned I-485 (for derivative child) remains pending to date.

In light of the retrogression of visa numbers for EB3 category in July 2005, we would appreciate it if the Service could kindly expedite on the processing of this application.

Thank you very much for your assistance.

Exhibit 2

Service Center Processing Dates for **California Service Center** Posted September 15, 2007

Form	Title	Classification or Basis for Filing	Processing Timeframe
I-90	Application to Replace Permanent Resident Card	Initial issuance or replacement	6 Months
I-102	Application for Replacement/Initial Nonimmigrant Arrival/Departure Record	Initial issuance or replacement of a Form I-94	3 Months
I-129	Petition for A Nonimmigrant Worker	H-1B - Specialty occupation - Visa to be issued abroad	2 Months
I-129	Petition for A Nonimmigrant Worker	H-1B - Specialty occupation - Change of status in the U.S.	2 Months
I-129	Petition for A Nonimmigrant Worker	H-1B - Specialty occupation - Extension of stay in the U.S.	2 Months
I-129	Petition for A Nonimmigrant Worker	H-2A - Temporary workers	15 Days
I-129	Petition for A Nonimmigrant Worker	H-2B - Other temporary workers	30 Days
I-129	Petition for A Nonimmigrant Worker	H-3 - Temporary trainees	2 Months
I-129	Petition for A Nonimmigrant Worker	E - Treaty traders and investors	2 Months
I-129	Petition for A Nonimmigrant Worker	L - Intracompany transfers	30 Days
I-129	Petition for A Nonimmigrant Worker	Blanket L	2 Months
I-129	Petition for A Nonimmigrant Worker	O - Extraordinary ability	2 Months
I-129	Petition for A Nonimmigrant Worker	P - Athletes, artists, and entertainers	2 Months
I-129	Petition for A Nonimmigrant Worker	Q - Cultural exchange visitors and exchange visitors participating in the Irish Peace process	2 Months
I-129	Petition for A Nonimmigrant Worker	R - Religious occupation	2 Months
I-129	Petition for A Nonimmigrant Worker	TN - North American Free Trade Agreement (NAFTA) professional	2 Months
I-129F	Petition for Alien Fiance(e)	K-1/K-2 - Not yet married - fiance and/or dependent child	March 15, 2007
I-130	Petition for Alien Relative	U.S. citizen filing for a spouse, parent, or child under 21	6 Months
I-130	Petition for Alien Relative	U.S. citizen filing for an unmarried son or daughter over 21	January 17, 2003
I-130	Petition for Alien Relative	U.S. citizen filing for a married son or daughter over 21	April 30, 2001
I-130	Petition for Alien Relative	U.S. citizen filing for a brother or sister	April 30, 2001
I-130	Petition for Alien Relative	Permanent resident filling for a spouse or child under 21	January 01, 2005

I-130	Petition for Alien Relative	Permanent resident filling for an unmarried son or daughter over 21	February 07, 2005
I-131	Application for Travel Document	All other applicants for advance parole	May 06, 2007
I-212	Application for Permission to Reapply for Admission into the U.S. After Deportation or Removal	Readmission after deportation or removal	6 Months
I-360	Petition for Amerasian, Widow(er), or Special Immigrant	All other special immigrants	July 09, 2006
I-485	Application to Register Permanent Residence or to Adjust Status	Employment-based adjustment applications	6 Months
I-526	Immigrant Petition By Alien Entrepreneur	For use by an entrepreneur who wishes to immigrate to the United States	March 02, 2007
I-539	Application to Extend/Change Nonimmigrant Status	Change of status to H or L dependents	3 Months
I-539	Application to Extend/Change Nonimmigrant Status	Change status to the F or M academic or vocational student categories	3 Months
I-539	Application to Extend/Change Nonimmigrant Status	Change Status to the J exchange visitor category	3 Months
I-539	Application to Extend/Change Nonimmigrant Status	All other change of status applications	3 Months
I-539	Application to Extend/Change Nonimmigrant Status	Extension of stay for H and L dependents	3 Months
I-539	Application to Extend/Change Nonimmigrant Status	Extension of Stay for F or M academic or vocational students	3 Months
I-539	Application to Extend/Change Nonimmigrant Status	Extension of Stay for J exchange visitors	3 Months
I-539	Application to Extend/Change Nonimmigrant Status	All other extension applications	3 Months
I-612	Application for Waiver of the Foreign Residence Requirement	Application for a waiver of the 2-year foreign residence requirement based on exceptional hardship or persecution	January 13, 2007
I-751	Petition to Remove the Conditions on Residence	Removal of lawful permanent resident conditions (spouses of U.S. citizens and lawful permanent residents)	6 Months
I-765	Application for Employment Authorization	Based on a request by a qualified F-1 academic student. [(c)(3)]	11 Weeks
I-765	Application for Employment Authorization	Based on a pending asylum application [(c)(8)]	30 Days
I-765	Application for Employment Authorization	Based on a pending I-485 adjustment application [(c)(9)]	11 Weeks
I-765	Application for Employment Authorization	Based on TPS for Honduras/Nicaragua [(c)(19), (a)(12)]	11 Weeks
I-765	Application for Employment Authorization	Based on TPS for El Salvador [(c)(19)(a)(12)]	11 Weeks
I-765	Application for Employment	All other applications for employment	11 Weeks

	Authorization	authorization	
I-817	Application for Family Unity Benefits	Voluntary departure under the family unity program	December 29, 2005
I-824	Application for Action on an Approved Application or Petition	To request further action on an approved application or petition	6 Months
I-829	Petition by Entrepreneur to Remove Conditions	Removal of lawful permanent resident conditions (immigrant investors)	6 Months
I-829	Petition by Entrepreneur to Remove Conditions	Removal of lawful permanent resident conditions (immigrant investors) based on PL107-273	September 10, 1997

Exhibit 3

USINFO.STATE.GOV

Close

Understanding the Immigration Security Process

Homeland Security fact sheet explains security checks for immigration benefit applicants

An explanation of the immigration security check system was issued by the U.S. Citizenship and Immigration Services April 25 in response to some applicant frustration about delays in the process.

All applicants for a U.S. immigration benefit are subject to criminal and national security background checks to ensure they are eligible for that benefit. The agency acknowledges a small number of delays, but assures the public they are not based on race, ethnicity, religion or national origin.

For related information, see [*Visas, Passports and Immigration*](#).

The text of the fact sheet follows:

U.S. Department of Homeland Security
Fact Sheet
April 25, 2006

Immigration Security Checks—How and Why the Process Works

Background

All applicants for a U.S. immigration benefit are subject to criminal and national security background checks to ensure they are eligible for that benefit. U.S. Citizenship and Immigration Services (USCIS), the Federal agency that oversees immigration benefits, performs checks on every applicant, regardless of ethnicity, national origin or religion.

Since 2002, USCIS has increased the number and scope of relevant background checks, processing millions of security checks without incident. However, in some cases, USCIS customers and immigrant advocates have expressed frustration over delays in processing applications, noting that individual customers have waited a year or longer for the completion of their adjudication pending the outcome of security checks. While the percentage of applicants who find their cases delayed by pending background checks is relatively small, USCIS recognizes that for those affected individuals, the additional delay and uncertainty can cause great anxiety. Although USCIS cannot guarantee the prompt resolution of every case, we can assure the public that applicants are not singled out based on race, ethnicity, religion, or national origin.

USCIS strives to balance the need for timely, fair and accurate service with the need to ensure a high level of integrity in the decision-making process. This fact sheet outlines the framework of the immigration security check process, explaining its necessity, as well as factors contributing to delays in resolving pending cases.

Why USCIS Conducts Security Checks

USCIS conducts security checks for all cases involving a petition or application for an immigration service or benefit. This is done both to enhance national security and ensure the integrity of the immigration process. USCIS is responsible for ensuring that our immigration system is not used as a vehicle to harm our nation or its citizens by screening out people who seek immigration benefits improperly or fraudulently. These security checks have yielded information about applicants involved in violent crimes, sex crimes, crimes against children, drug trafficking and individuals with known links to terrorism. These investigations require time, resources, and patience and USCIS recognizes that the process is slower for some customers than they would like. Because of that, USCIS is working closely with the FBI and other agencies to speed the background check process. However, USCIS will never grant an immigration service or benefit before the required security checks are completed regardless of how long those checks take.

How Immigration Security Checks Work

To ensure that immigration benefits are given only to eligible applicants, USCIS adopted background security check procedures that address a wide range of possible risk factors. Different kinds of applications undergo different levels of scrutiny. USCIS normally uses the following three background check mechanisms but maintains the

authority to conduct other background investigations as necessary:

- The Interagency Border Inspection System (IBIS) Name Check— IBIS is a multi-agency effort with a central system that combines information from multiple agencies, databases and system interfaces to compile data relating to national security risks, public safety issues and other law enforcement concerns. USCIS can quickly check information from these multiple government agencies to determine if the information in the system affects the adjudication of the case. Results of an IBIS check are usually available immediately. In some cases, information found during an IBIS check will require further investigation. The IBIS check is not deemed completed until all eligibility issues arising from the initial system response are resolved.

- FBI Fingerprint Check—FBI fingerprint checks are conducted for many applications. The FBI fingerprint check provides information relating to criminal background within the United States. Generally, the FBI forwards responses to USCIS within 24-48 hours. If there is a record match, the FBI forwards an electronic copy of the criminal history (RAP sheet) to USCIS. At that point, a USCIS adjudicator reviews the information to determine what effect it may have on eligibility for the benefit. Although the vast majority of inquiries yield no record or match, about 10 percent do uncover criminal history (including immigration violations). In cases involving arrests or charges without disposition, USCIS requires the applicant to provide court certified evidence of the disposition. Customers with prior arrests should provide complete information and certified disposition records at the time of filing to avoid adjudication delays or denial resulting from misrepresentation about criminal history. Even expunged or vacated convictions must be reported for immigration purposes.

- FBI Name Checks—FBI name checks are also required for many applications. The FBI name check is totally different from the FBI fingerprint check. The records maintained in the FBI name check process consist of administrative, applicant, criminal, personnel and other files compiled by law enforcement. Initial responses to this check generally take about two weeks. In about 80 percent of the cases, no match is found. Of the remaining 20 percent, most are resolved within six months. ~~Less than one percent of cases subject to an FBI name check remain pending longer than six months.~~ Some of these cases involve complex, highly sensitive information and cannot be resolved quickly. Even after FBI has provided an initial response to USCIS concerning a match, the name check is not complete until full information is obtained and eligibility issues arising from it are resolved.

For most applicants, the process outlined above allows USCIS to quickly determine if there are criminal or security related issues in the applicant's background that affect eligibility for immigration benefits. Most cases proceed forward without incident. However, due to both the sheer volume of security checks USCIS conducts, and the need to ensure that each applicant is thoroughly screened, some delays on individual applications are inevitable. Background checks may still be considered pending when either the FBI or relevant agency has not provided the final response to the background check or when the FBI or agency has provided a response, but the response requires further investigation or review by the agency or USCIS. Resolving pending cases is time-consuming and labor-intensive; some cases legitimately take months or even several years to resolve. Every USCIS District Office performs regular reviews of the pending caseload to determine when cases have cleared and are ready to be decided. USCIS does not share information about the records match or the nature or status of any investigation with applicants or their representatives.

Created: 03 May 2006 Updated: 03 May 2006

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